

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAY 10 1993

In Re Application of
GLENDALE BROADCASTING COMPANY
For Construction Permit for a
New Television Station (Channel 63)
Monroe, Georgia

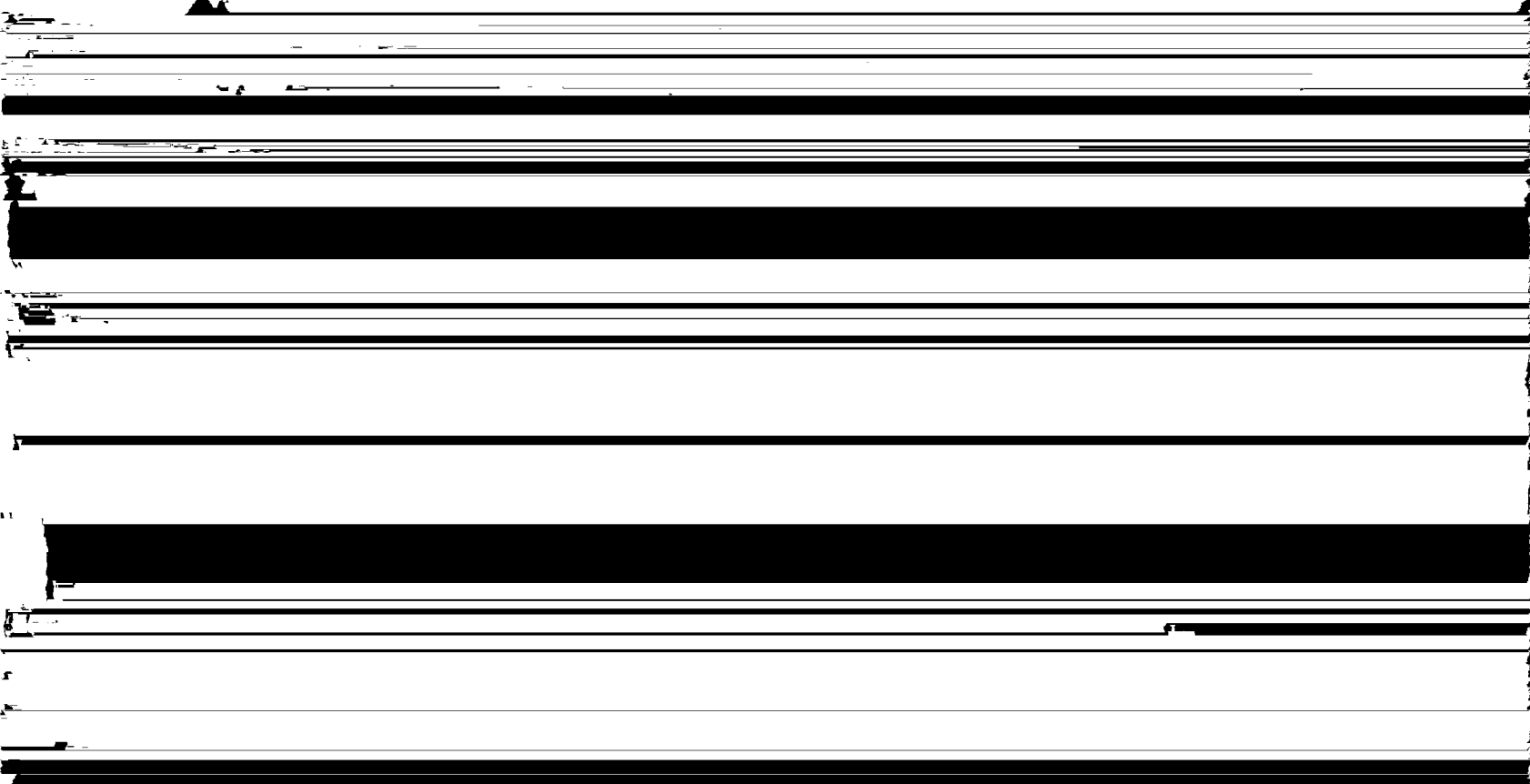
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BPCT-920228KE

To: Chief, Mass Media Bureau

OBJECTION TO TRANSMITTER SITE AMENDMENT

Trinity Christian Center of Santa Ana, Inc. d/b/a/ Trinity
Broadcasting Network ("TBN"), by its counsel, hereby objects to
acceptance of the Amendment filed by Glendale Broadcasting Company
("Glendale") to its above-referenced application on March 5, 1993



be heard thereon. The applications have not yet been designated for hearing.

Argument

2. Glendale's Amendment cannot be accepted under the Commission's rules because Glendale has not made -- or even attempted to make -- the requisite showing of good cause.

3. The Amendment, by which Glendale proposes a new transmitter site and completely revises its engineering, was tendered nearly a year after Glendale's deadline for filing amendments as of right. Under the rules, Glendale was entitled to amend as of right only up until "the date specified . . . in the FCC's Public Notice announcing the acceptance for filing of the last filed mutually exclusive application." 47 C.F.R. §73.3522(a)(2). That date was April 23, 1992.² Any pre-designation amendment tendered after that date "will be considered only upon a showing of good cause." Id.

Glendale has not only failed to show the required good

is pure sophistry. Glendale is implying that the public notice must expressly label the listed date as the deadline "for amendments as of right." However, nothing in the rule requires the public notice to be so worded. The rule itself informs applicants that the date in the public notice will apply to amendments as of right. Thus, when the Public Notice here stated (i) that Glendale's application was accepted for filing, (ii) that no other applications would be accepted, and (iii) that petitions to deny Glendale's application must be filed by April 23, 1992, that date became, by operation of Section 73.3522(a)(2), Glendale's deadline for amendments as of right. 5. Under Glendale's theory, neither Glendale nor any similarly situated applicant would have to show good cause for any amendment filed before designation for hearing. That is preposterous. By well-established practice and procedure, all applicants are given only limited time, not unlimited time, for pre-designation amendments as of right. The deadline for such amendments and the deadline for petitions to deny have long been one in the same, which is exactly what Section 73.3522(a)(2) and the Public Notice have provided here.

6. For these reasons, Glendale may not now amend its application without making the required showing of good cause. Its March 5, 1993 engineering amendment comes far too late in the proceeding to qualify as an amendment as of right.

Conclusion

7. Accordingly, the Commission should return Glendale's amendment as unacceptable under Section 73.3522(a)(2) for lack of any showing of good cause.

Respectfully submitted,

TRINITY CHRISTIAN CENTER OF SANTA
ANA, INC. d/b/a/TRINITY BROADCASTING
NETWORK

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(202) 659-4700

May 10, 1993

ATTACHMENT 1

Public Notice, Report No. 15213, released March 9, 1992



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET N.W.
WASHINGTON, D.C. 20554

22156

News media information 202/632-5050. Recorded listing of releases and texts 202/632-0002.

NOTICE OF ACCEPTANCE FOR FILING OF COMMERCIAL TELEVISION BROADCAST STATION APPLICATIONS AND NOTICE OF PETITIONS TO DENY AND HEARING FEE DEADLINES

Report No. 15213

Released: March 9, 1992

NOTICE IS HEREBY GIVEN that the below-described application is accepted for filing. This application was timely filed against the application of Trinity Broadcasting Network for renewal of the license of commercial broadcast station WHSG(TV), channel 63, Monroe, Georgia. Because the application listed herein is mutually exclusive with a renewal application that is no longer subject to competing applications in accordance with 47 C.F.R. §73.3515(e), no subsequently filed application which would be in conflict with the application on this list will be accepted for filing. However, petitions to deny the below-described application may be filed no later than the close of business on April 23, 1992.

In accordance with 47 C.F.R. §73.3572(c)(1), the applicant described below (unless exempt pursuant to 47 C.F.R. §1.1112) must submit a hearing fee of \$6,760.00 which shall be paid no later than May 25, 1992 or the application will thereafter be dismissed. The above-described renewal applicant must also pay the hearing fee by that date. 47 C.F.R. §73.3572(c)(2).

NOTE: An original and two copies of a transmittal letter, accompanied by a completed FCC Form 155 and a payment in the amount of \$6,760.00, should be submitted so that it is received by 11:59 p.m. on the payment date specified above at the Commission's lockbox bank, whose mailing address is:

Federal Communications Commission
Mass Media Services
P. O. Box 358170
Pittsburgh, PA 15251-5170

Hearing fee payments can also be made in person or by couriered-delivery up to 11:59 p.m. on the above payment date at the location and in the manner specified in the "Mass Media Services Fee Filing Guide."

The FCC Form 155 must be appropriately filled out, including the name and address of the applicant and the file number of the application. When entering the file number for new applications, omit the first letters (i.e., "BPCT") of the file number. Renewal applicants should enter their call sign. The fee type code for comparative hearing for commercial TV applications is ~~MWT~~. *mv7*

To ensure proper credit of the payment, the hearing fee transmittal letter should identify the applicant, the application file number (or call sign), and the City and State of the proposed or existing facility.

Failure to make the hearing fee payment in a timely manner will result in the dismissal of the underlying, pending application. 47 C.F.R. §1.1107(b).

BPCT-920228KE

Monroe, Georgia
GLENDALE BROADCASTING COMPANY
Channel 63
ERP(Vis): 5,000kW; HAAT: 1161 ft. (354 m.)
Tower site: 11 kilometers South of
Snellville, Georgia (Gwinnett Co.)

ATTACHMENT 2

Glendale Transmittal Letter, March 5, 1993

Ref Per
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MAR - 5 1993

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

COHEN AND BERFIELD, P.C.

BOARD OF TRADE BUILDING

1129 20TH STREET, N.W.

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(202) 785-0934

March 5, 1993

Ms. Donna Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Dear Ms. Searcy:

On behalf of Glendale Broadcasting Company, we now submit an original and two copies of an amendment of its pending application for a construction permit for a new commercial television on Channel 63 at Monroe, Georgia (File No. BPCT-920228KE).

The amendment, which specifies a new transmitter site, is filed as of right. Glendale's application was accepted for filing by Public Notice, Report No. 15213 (released March 9, 1992). That notice did not specify any deadline for amendments as of right. Section 73.3522(a)(2) of the Commission's rules is therefore inapplicable. Since the application has not been designated for hearing, this amendment is filed as of right pursuant to Section 73.3522(a)(1) of the Commission's rules.

Should there be any questions concerning this matter, kindly communicate directly with this office.

Regards,

John J. Schauble

John J. Schauble

Enclosures

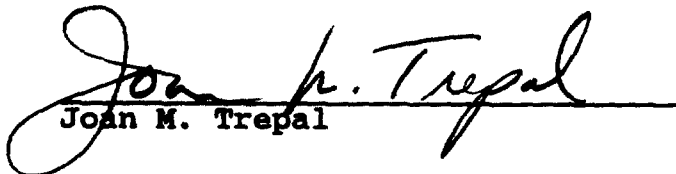
CERTIFICATE OF SERVICE

I, Joan M. Trepal, a secretary in the law firm of Mullin, Rhyne, Emmons and Topel, hereby certify that on this 10th day of May, 1993, copies of the foregoing "Objection To Transmitter Site Amendment" was sent by first class mail, postage prepaid, to the following:

* Barbara Kreisman
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W.--Room 702
Washington, D.C. 20554

* Clay Pendarvis
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W.--Room 700
Washington, D.C. 20554

Lewis I. Cohen, Esq.
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1129 20th Street, N.W.
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Joan M. Trepal

* Hand Delivered.